

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

WP(C).No. 32620 of 2007(G)

PETITIONER:

**K.V.PRABHAKARAN, AGE 59 YEARS,
(DRIVER-RETIRED, COLLECTORATE, WAYANAD),S/O.LATE
VALLON, KOCHINADAN VEEDU, HOUSE NO.B8/20,
MUNDERI HOUSING COLONY, KALPATTA P.O.,
WAYANAD DISTRICT.**

**BY ADV. SRI.RAJA VIJAYARAGHAVAN,
ADV. SRI. RENJITH .R.**

RESPONDENTS:

- 1. THE LAND REVENUE COMMISSIONER,
OFFICE OF THE LAND REVENUE COMMISSIONER,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. THE DISTRICT COLLECTOR, COLLECTORATE,
WAYANAD.**
- 3. THE ACCOUNTANT GENERAL (A AND E)
OFFICE OF THE ACCOUNTANT GENERAL,
P.B.NO.5607, M.G.ROAD, THIRUVANANTHAPURAM.**
- 4. THE SUPERINTENDING ENGINEER,
CHIMMINY DAM PROJECT, PWD,
OFFICE OF THE SUPERINTENDING ENGINEER,
THRISSUR-1.**

BY GOVT. PLEADER SRI. BEJOY CHANDRAN.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10/12/2007,THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

V.GIRI, J.

W.P.(C)No.32620 of 2007

Dated this the 10th day of December 2007

JUDGMENT

The petitioner claims that he was initially engaged as a Driver with effect from 6.12.1982, after being sponsored by the Employment Exchange, in the Chimney Dam Project. He was later advised by the Public Service Commission and appointed in the Department of Revenue, Wayanad. While so, he was suspended from service with effect from 17.11.1988 and reinstated in service on 22.6.1989. The allegation was that he was found under the influence of alcohol. The incident was repeated on 4.6.1991. Then he was suspended and reinstated on 12.7.1991 and again he was suspended on 21.1.1994 and reinstated on 26.9.1995. The petitioner was suspended for the 4th time on 21.12.1995 and reinstated on 13.5.1998. Mercifully he retired on 31.5.2003. According to him, the intervening periods have not been regularized till date. Petitioner has a grievance that the entire retirement benefits have not been disbursed to him. A comprehensive representation filed by the petitioner as Ext.P6 is pending before the Land Revenue Commissioner.

2. Learned Government Pleader, on instructions, submits that pension, gratuity and commuted value of pension have been sanctioned to the petitioner on 17.4.2007.

3. In the circumstances, the writ petition is disposed of directing the second respondent to take a decision on Ext.P6, with reference to the manner in which the period when the petitioner was under suspension is liable to be treated as also whether the provisional service rendered by the petitioner in the same post prior to his advice by the PSC is to be treated as qualifying service also. Depending upon the decision to be taken in this regard by the Land Revenue Commissioner, the retirement benefits due to the petitioner will be revised and the amount due to him will be disbursed without further delay. Needful shall be done within a period of four months from the date of receipt of a copy of this judgment. Petitioner shall also be heard before orders are passed in this regard.

V.GIRI, JUDGE

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